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The Hon. Robert W. Lehrburger  
United States District Court  
for the Southern District of New York

RE: *Chen-Oster, et al. v. Goldman Sachs & Co.*, No. 10 Civ. 6950

Your Honor:

I write on behalf of Plaintiffs and the Class regarding tolling of the claims of approximately 385 former class members subject to arbitration under Managing Director or Private Wealth Advisor Agreements (hereinafter, "Excluded Class Members"). See ECF No. 1315. On January 14, 2022, the Court approved a mail and email notice, which was sent in February, advising Excluded Class Members that, should they wish to initiate an arbitration of their claims from the class action, their statute of limitations would start to run on July 1, 2022. See ECF No. 1327 (granting ECF No. 1317).

With the July 1 date on the horizon, Class Counsel would like to ensure that these Excluded Class Members understand their options. Based on Class Counsel's experience during the Equity Award arbitration selection process, Class Counsel believe that many Excluded Class Members may not have received the notices for various reasons (moves, spam filtering, etc.). Respectfully, these individuals are owed a phone call from the attorneys who had been appointed to represent them advising them of their options. However, Goldman Sachs has taken the position that Class Counsel may not contact these individuals pursuant to New York Rule of Professional Conduct 4.2 (for currently employed Managing Directors) and the protective order (for any telephone number Goldman Sachs provided). Therefore, out of an abundance of caution, Class Counsel seek the Court's authorization to contact these approximately 385 individuals via telephone to ensure they are aware that the tolling period will soon be over and that, should they wish to do so, they understand how to pursue their claims in arbitration.

Respectfully submitted,

  
Michael Levin-Gesundheit